

Filed 3/19/96

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

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UNITED STATES OF AMERICA,	)	
	)	
Plaintiff-Appellee,	)	
	)	No. 95-2244
v.	)	(D.C. No. CIV-95-586-JC)
	)	(D. New Mexico)
CARLTON LEE HUGHES,	)	
	)	
Defendant-Appellant.	)	

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ORDER AND JUDGMENT<sup>1</sup>

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Before PORFILIO, MCKAY, and KELLY, Circuit Judges.

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After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. **See** Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The cause is therefore ordered submitted without oral argument.

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<sup>1</sup> This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

This is an appeal from the denial of a motion to vacate or set aside a sentence under 28 U.S.C. § 2255. The district court adopted the findings and recommendations of a magistrate judge which recommended dismissal.

After reviewing the briefs, we conclude the district court did not err. We **AFFIRM** the judgment of the district court substantially for the reasons set forth in the findings and recommendations of the magistrate judge.

**Entered for the Court**

**John C. Porfilio  
Circuit Judge**